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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,426	11/24/1999	JAMES MEEK	D-1119R	6272

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EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/449,426

Applicant(s)

MEEK ET AL.

Examiner

F. J. BARTUSKA

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 47, 51 and 55 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Murphy. Murphy shows an interactive advertising system for on-line terminals including receiving a credit card at 14 or 80, receiving transaction requests, see col. 6, lines 53-59 and col. 7, lines 46-50, sending transaction information to a first computer 10 or 30, sending transaction information to a second computer 22 or 36, selecting a presentation to be made to a user, see col. 3, lines 59-68 and col. 4, lines 64-68, sending a transaction response from the second computer and carrying out a financial transaction, see col. 6, lines 57-59 and presenting a coupon, see col. 2, lines 59-68 and col. 7, lines 46-50. In col. 1, line 43 to col. 2, line 8 Murphy discloses

accessing the commercial computer during the waiting times at the ATM terminal.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-29, 31-34, 36-46, 48, 49, 52, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of EPO publication 0843291, both of record. Murphy shows an interactive advertising system for on-line terminals including receiving a credit card at 14 or 80, receiving transaction requests, see col. 6, lines 53-59 and col. 7, lines 46-50, sending transaction information to a first computer 10 or 30, sending transaction information to a second computer 22 or 36, selecting a presentation to be made to a user, see col. 3, lines 59-68 and col. 4, lines 64-68, sending a transaction response from the second computer and carrying out a financial transaction, see col. 6, lines 57-59 and presenting a coupon, see col. 2, lines 59-68 and col. 7, lines 46-50. Murphy does not disclose selecting presentations in response to user data. EPO publication 0843291 discloses an ATM that selects presentations in response to customer information, see col. 2, lines 32-50, in order to provide an appropriate display. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of the EPO publication 0843291 to modify the system of

Murphy to select presentations in response to customer information in order to provide an appropriate display.

6. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of EPO publication 0843291, both of record.

Murphy shows an interactive advertising system for on-line terminals including receiving a credit card at 14 or 80, receiving transaction requests, see col. 6, lines 53-59 and col. 7, lines 46-50, sending transaction information to a first computer 10 or 30, sending transaction information to a second computer 22 or 36, selecting a presentation to be made to a user, see col. 3, lines 59-68 and col. 4, lines 64-68, sending a transaction response from the second computer and carrying out a financial transaction, see col. 6, lines 57-59 and presenting a coupon, see col. 2, lines 59-68 and col. 7, lines 46-50.

Murphy does not disclose selecting as the next presentation one that has not been previously viewed. EPO publication 0843291 discloses an ATM that prevents a re-run of a previous sales presentation to the same user, see col. 3, lines 51-54. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of the EPO

publication 0843291 to modify the system of Murphy to prevent re-running the same presentation to the same user in order to provide a greater chance of making a sale.

7. Claims 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of EPO publication 0843291 as applied to claim 1 above in further view of Symonds et al. Murphy, as modified by EPO publication 0843291, shows all the features of the applicants' claims except the particular message format. Symonds et al teach in col. 11, lines 6-17 that the message format ISO 8583 is common in automated transaction machines. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Symonds et al to use ISO 8583 message format in the automated transaction machines of Murphy.

Response to Arguments

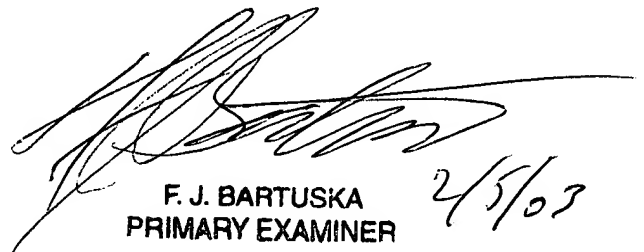
8. The applicants' remarks have been considered but have not been found persuasive in view of the art as now applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI or the currently acting supervisor who can be reached on 703-308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


F. J. BARTUSKA
PRIMARY EXAMINER 2/5/03